# EXHIBIT B

Report: CZR0026

21ST JUDICIAL CIRCUIT ST LOUIS COUNTY CIRCUIT COURT DOCKET SHEET Date:

28-Nov-2012

Time:

Security Level: 1 Public

1:54:57PM

12SL-CC03792 ST LOUIS HEART CENTER V FOREST PHARMACEUTICAL ETAL

Page:

Case Type:

**CC** Injunction

Case Filing Date:

04-Oct-2012

Status:

Pet Filed in Circuit Ct

Disposition:

**Disposition Date:** 

Release/Status Reason

Change Date

Judge

ROBERT S COHEN (22187)

Plaintiff

ST LOUIS HEART CENTER INC (ASTLHRTCN)

Attorney for Plaintiff

MAX GEORGE MARGULIS(24325)

Defendant

FOREST PHARMACEUTICALS INC (AFORPHA)

THE PEER GROUP INC (PEERGROUP)

**Filing Date** 

Description

04-Oct-2012

Judge Assigned

DIV<sub>1</sub>

Pet Filed in Circuit Ct

Confid Filing Info Sheet Filed

**Motion Filed** 

MOTION FOR CLASS CERTIFICATION

**Motion Special Process Server** 

GLENN BURROUGHS APPROVED ON OCTOBER 15, 2012

15-Oct-2012

**Summons Issued-Circuit** 

Document ID: 12-SMCC-13191, for FOREST PHARMACEUTICALS INC.

MAILED TO ATTORNEY

Service/Attempt Date: 01-Nov-2012

Summ Issd- Circ Pers Serv O/S

Document ID: 12-SMOS-1227, for THE PEER GROUP INC.

MAILED TO ATTORNEY

19-Nov-2012

**Summons Personally Served** 

Document ID - 12-SMCC-13191; Served To - FOREST PHARMACEUTICALS INC; Server - ; Served Date - 01-NOV-12; Served Time - 08:00:00; Service Type - Sheriff Department; Reason

Description - Served

21-Nov-2012

**Dismissal Hearing Scheduled** 

Scheduled For: 19-Dec-2012; 0:00 AM; ROBERT S COHEN; Setting: 0; St Louis County

**Notice** 

Copy of Notices Filed and Mailed This Day to the Parties of Record.

28-Nov-2012

Remove Case - Setting Docket

FROM 12/19/12 DISMISSAL DOCKET. JUDGE ROBERT COHEN

Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 3 of 65 PageID #: 10 In the **CIRCUIT COURT** of St. Louis County, Missouri Case Number 12 54 - 40379vs. FOREST PHARMACEATICAL THE PEER GROUP, INC DIVISION Defendant ORDER TO REMOVE CASE FROM DISMISSAL DOCKET Case removed from the Dismissal Docket of DECEM BER 19, 2012 Default and Inquiry granted, to be heard within \_\_\_\_ Defendant in default; case to be set and heard within \_\_\_ Summons shall be requested within \_\_\_ Motion to dismiss/make more definite, etc. to be argued within \_\_ Discovery shall be completed by \_ Other: SERVICE OBT AIMED OH BOTH PEFENDANTS FAILURE TO COMPLY WITH THIS ORDER SHALL RESULT IN IMMEDIATE DISMISSAL OF THIS CASE WITH NO FURTHER NOTICE, PURSUANT TO MISSOURI SUPREME COURT ADMINISTRATIVE RULE 17 ESTABLISHING CASE PROCESSING TIME STANDARDS FOR MISSOURI TRIAL COURTS. Address Phone No. Fax No. **Attorney** Bar No. Address Judge/Division Phone No. Fax No.

Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 4 of 65 PageID #: 11



# IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division:	Case Number: 12SL-CC03792	Politica	
ROBERT S COHEN			
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	The state of the s	
ST LOUIS HEART CENTER INC	MAX GEORGE MARGULIS	OCT 2 3 2013	
	28 OLD BELLE MONTE ROAD	State of the state	
Vs.	CHESTERFIELD, MO 63017	——XIF COUNTY	
Defendant/Respondent:   FOREST PHARMACEUTICALS INC	Court Address: ST LOUIS COUNTY COURT BUILDING	. THERE'S OFFICE	
	7900 CARONDELET AVE		
Nature of Suit: CC Injunction	CLAYTON, MO 63105		
	ummons in Civil Case	e   E Para (Parc   de Signip)	
The State of Missouri to: FOREST PHARMAC		NOV 1 9 2012	
Alias:	BOTICADO INC		
UNITED STATES CORPORATION CO		JOAN M. GILMER	
221 BOLIVAR STREET JEFFERSON CITY, MO 65101		GIAGUIT CLERK, ST. LOUIS COUNTY	
·			
COURT SEAL OF You are summone	ed to appear before this court and to file your p	leading to the petition, a copy of	
which is attached, and	to serve a copy of your pleading upon the attor in 30 days after receiving this summons, exclusi	ney for Plaintiff/Petitioner at the	
file your pleading, judg	gment by default may be taken against you for	therelief amanded in the petition.	
15-OCT-2012	lan.	So Milans	
Date		Clerk	
ST. LOUIS COUNTY Further Information:	$\vee$		
JMC			
Note to coming officers Commence the old be not asset	Sheriff's or Server's Return		
Note to serving officer: Summons should be returned		e.	
I certify that I have served the above summons by: (che	•		
delivering a copy of the summons and a copy of the leaving a copy of the summons and a copy of the pe		Nafandant/Dagnandant with	
incoving a copy of the summons and a copy of the pe	a person of the Defendant's/Respondent's far		
(for service on a corporation) delivering a copy of the	e summons and a copy of the petition to		
F)	(name)	(title).	
Wother SERVED FOREST PHADMACEUTTERALS TUCKS UNDER STATES CODDONATION CO F. BANTER DESIGNED			
1=-	. MO. 65101	14407 00, 1, 1007 100 100 100 100 100 100 100 100 10	
	, , , , , , , , , , , , , , , , , , , ,	(address)	
in County/City of	St. Louis), MO, on	(date) at(time).	
Printed Name of Sheriff or Server	_ / AKN-F. D	Sin Pers	
	Signate Otary public if not served by an authorized office	are of Sheriff or Server	
Subscribed and sworn to be	•	(date).	
(Seal)		(uate).	
My commission expires:	Date	Notary Public	
Sheriff's Fees, if applicable		Trotal y Patrice	
Summons \$			
Non Est \$ Sheriff's Deputy Salary		8~	
Supplemental Surcharge \$ 10.00		12,5	
Mileage \$ (mile	es @ \$ per mile)	Ty. 1/2	
Total \$	1 1001.00	.0	
A copy of the summons and a copy of the petition must be suits see Supreme Court Rule 54	served on each Defendant/Respondent. For methor	ods of service on all classes of	

Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 5 of 65 PageID #: 12

JOAN M. GILMER CIRCUIT CLERK ST. LOUIS COUNTY CIRCUIT COURT 7900 CARONDELET AVENUE CLAYTON, MISSOURI 63105 -1766

SPECIAL NEEDS: If you have special needs addressed by the American With Disabilities Act, please notify the Circuit Clerk's Office at 314/615-8029, Fax 314/615-8739, or TTY 314/615-4567, at least three business days in advance of the court proceeding.

# IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

CASE NUMBER: 12SL-CC03792 ST LOUIS HEART CENTER INC COURT DATE: DECEMBER 19, 2012

DIVISION: DIV1

VS

FOREST PHARMACEUTICALS INC

THE ABOVE STYLED CAUSE WILL BE DISMISSED WITHOUT PREJUDICE BY THE COURT ON THE DATE INDICATED ABOVE. COSTS TO BE ASSESSED AGAINST THE FILING PARTY PURSUANT TO RULE 77.01.

IF REQUESTING A REMOVAL, <u>APPEAR PRIOR TO THE ABOVE INDICATED DATE</u>. AT THAT TIME, UPDATE THE COURT AS TO THE CURRENT STATUS OF THE RELATED LITIGATION OR CIRCUMSTANCES WHICH HAVE DELAYED THESE PROCEEDINGS.

IF THIS IS A CASE PASSED FOR SETTLEMENT, MORE THAN 30 DAYS HAS ELAPSED. THE CASE WILL BE DISMISSED, AS STATED ABOVE, UNLESS YOUR DISMISSAL IS FILED WITH THE DIVISION CLERK PRIOR TO THE ABOVE DISMISSAL DATE.

JOAN M. GILMER, CIRCUIT CLERK November 21, 2012



12SL-CC03792 DIV1 MAX GEORGE MARGULIS 28 OLD BELLE MONTE RD CHESTERFIELD, MO 63017



### Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 6 of 65 PageID #: 13

# IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: ROBERT S COHEN	Case Number: 12SL-CC03792
Plaintiff/Petitioner: ST LOUIS HEART CENTER INC  vs.	Plaintiff's/Petitioner's Attorney/Address MAX GEORGE MARGULIS 28 OLD BELLE MONTE ROAD CHESTERFIELD, MO 63017
Defendant/Respondent: FOREST PHARMACEUTICALS INC	Court Address: ST LOUIS COUNTY COURT BUILDING
Nature of Suit: CC Injunction	7900 CARONDELET AVE CLAYTON, MO 63105

FOREST PHARMACE	UTICALS INC	ST LOUIS COUNTY COURT BUIL	LDING		
Vature of Suit:		7900 CARONDELET AVE			
CC Injunction		CLAYTON, MO 63105		(Date	File Stamp)
		Summons in Civil Case			
The State of Misson UNITED STATES CORPO	uri to: FOREST PHAR Alias: RATION CO			T-7	
221 BOLIVAR STREET JEFFERSON CITY, MO 69	5101				
ST. LOUIS COUNTY	which is attached above address all		e attorney for Plai exclusive of the da	intiff/Petitio	ner at the
		Sheriff's or Server's Return irned to the court within thirty days after the date			
delivering a copy of the	e summons and a copy of	c (check one) of the petition to the Defendant/Respondent. the petition at the dwelling place or usual abode o a person of the Defendant's/Respondent of the summons and a copy of the petition to	f the Defendant/Re nt's family over the	spondent with age of 15 years	th ears.
		(name)			(title).
Served at					(address)
in	(County/C	City of St. Louis), MO, on	(date) at		(time).
Printed Na	ame of Sheriff or Server		Signature of Sheriff o	r Server	_
	Must be sworn befor	e a notary public if not served by an authorize			
		to before me on	(date	∍).	
(	My commission expir	es:Date			
I I I I I	•	Date	Notar	ry Public	
Sheriff's Fees, if applicab Summons Non Est Sheriff's Deputy Salary	\$ \$				

Mileage

\_\_miles @ \$ .\_\_\_\_ per mile)

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 7 of 65 PageID #: 14



# IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division:		Case Number: 12SL-CC03792	
ROBERT S COHEN			
Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/Address:	
ST LOUIS HEART CENTE	ER INC	MAX GEORGE MARGULIS	
		28 OLD BELLE MONTE ROAD	
	VS.		4
Defendant/Respondent:		Court Address:	
FOREST PHARMACEUTI	CALS INC	ST LOUIS COUNTY COURT BUILDING 7900 CARONDELET AVE	
Nature of Suit:		CLAYTON, MO 63105	
CC Injunction			(Date File Stamp)
Sun		tal Service Outside the State of Misso scept Attachment Action)	uri
The State of Missouri to:			
	Alias:		
CORPORATION SERVICE CO	MPANY		
830 BEAR TAVERN RD WEST TRENTON, NJ 08628			
COURT SEAL OF		appear before this court and to file your pleading to the petition	
COURT SEAL OF		pleading upon the attorney for the Plaintiff/Petitioner at the	
	independent by default will be	mmons upon you, exclusive of the day of service. If you fail taken against you for the relief demanded in this action.	to file your pleading,
	15-OCT-2012	los so La	lang
Wiccough .	Date	Clerk	
ST. LOUIS COUNTY	Further Information: JMC	•	
SI. LOUIS COUNTI		s or Server's Affidavit of Service	
I certify that:			
<ol> <li>I am authorized to serv</li> <li>My official title is</li> </ol>	e process in civil actions with	thin the state or territory where the above summons was serve	ed.
3. I have served the above	e summons by: (check one)	of County,	(state).
delivering a cop	by of the summons and a cop	y of the petition to the Defendant/Respondent.	
leaving a copy of	of the summons and a copy of	of the petition at the dwelling place or usual abode of the Defe	endant/Respondent with
(for service on a	, a corporation) delivering a co	person of the Defendant's/Respondent's family over the age opy of the summons and a copy of the petition to	of 15 years.
		(name)	(title).
other (describe)			
Served at	County	(state), on(date) at	(address)
			(time).
Printed Name	of Sheriff or Server	Signature of Sheriff or Server	
		me before this (day) (month	1) (year)
	` ,	e clerk of the court of which affiant is an officer. e judge of the court of which affiant is an officer.	
40 V		e judge of the court of which arriant is an officer.  Ithorized to administer oaths in the state in which the affiant is	served the above summons
(Seal)	(ι	use for out-of-state officer)	
	☐ au	thorized to administer oaths. (use for court-appointed server	)
		Signature and Title	
Service Fees, if applicable		Signature and The	
Summons \$			
Non Est \$			
Mileage \$		miles @ \$ per mile)	

See the following page for directions to clerk and to officer making return on service of summons.

#### **Directions to Clerk**

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondent or Defendants/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be mailed along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and sealed in the same manner as the original but it is unnecessary to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Plaintiff's/Petitioner has no attorney, the Plaintiff's/Petitioner's address and telephone number should be stated in the appropriate square on the summons. This form is not for use in attachment actions. (See Rule 54.06, 54.07 and 54.14)

#### Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

In the CIRCUIT COURT 12SL-0	RECEIVED CIRCUIT COURT OF ST. Lettis COURT OF 2012 OF The Stamp Only
Of St. Louis County, Missouri  It Louis fear Center The Industrial Econ  Plaintiff/Petitioner  Vehal of all others Demilarly Strate Date	For File Stamp Only
Defendant/Respondent The Peer Group, Inc.  Division	Number
REQUEST FOR APPOINTM	ENT OF PROCESS SERVER
Comes now May G. Marquesting Party to Local Rule 28, and at his/her/its own risk reconstruction of Process Server Address	quests the appointment of the Circuit Clerk of POBCY 7473 West Transfor N. To 2002 & Telephone
Name of Process Server Address	or in the Alternative Telephone
Natural person(s) of lawful age to serve the surnamed parties. This appointment as special proto carry a concealed weapon in the performance SERVE:  Corporation Sentice Company Name Name Name Name Name Name Name Name	ocess server does not include the authorization
Address City/State/Zip	Address
SERVE:	City/State/Zip SERVE:
Name	Name
Address	Address
City/State/Zip  Appointed as requested:  JOAN M. GILMER, Circuit Clerk	City/State/Zip  Max G. Margulis  24325
By Deputy Clerk  OCHORE 15 2012	Attorne 28 of the interior Rd. Chesterfield, MO 63017  Bar No. (636) 536-7022 (636) 536-6652  Address MaxMargulis@Margulislaw.com
Date	Phone No. Fax No.

YELLOW-Special Process Server PINK - Attorney/Petitioner

CCADM62 Rev. 03/06

WHITE - File

STATE OF MISSOURI		
ST. LOUIS COUNTY )		
IN THE CIRCUIT COURT OF THE ST. LOUIS COUNTY STATE OF MISSOURI		
ST. LOUIS HEART CENTER, INC., individually and on behalf of all others similarly-situated,	Cause No.	0 0 0
Plaintiff,	Division	32
v.		
FOREST PHARMACEUTICALS, INC., and THE PEER GROUP, INC.	~~ 1'	Programme and the second
Defendants.		8

## MOTION FOR CLASS CERTIFICATION 1

COMES NOW Plaintiff, individually and on behalf of all others similarly situated, by and through its undersigned counsel, and for its Motion for Class Certification, states

1. This cause should be certified as a class because all of the necessary elements of Rule 52.08 are met.

Recent developments in class action practice make necessary the filing of this motion with the petition. Defendants in class litigation have resorted to making individual settlement offers to named plaintiffs before a class action is certified in an attempt to "pick-off" the putative class representative and thereby derail the class action litigation. Most courts have rejected these pick-off attempts and have held that the filing of a motion for class certification with the initial petition or within a number of days after service of any settlement offer to a named plaintiff staves off offers of judgment to the named plaintiff. Any settlement offer made after the filing of the motion for class certification must be made on a class-wide basis. See Alpern v. UtiliCorp United, 84 F.3d 1525 (8th Cir. 1996); Weiss v. Regal Collections, 385 F. 3d 337, 344 n. 12 (3d Cir. 2004); see Jancik v. Cavalry Portfolio Servs., 2007 WL 1994026, at \*2-3 (D. Minn. July 3. 2007) Harris v. Messerli & Kramer, P.A., 2008 WL 508923, at \*2-3 (D. Minn, Jan. 2, 2008) (same); Johnson v. U.S. Bank Nat'l Assn., 276 F.R.D. 330, 333-335 (D. Minn, 2011) (same). See also Lucero v. Bureau of Collection Recovery, Inc., 639 F.3d 1239, 1249 (10th Cir. 2011); Mey v. Monitronics Int'l, Inc., 2012 WL 983766, at \* 4-5 (N.D. W.Va. Mar. 22, 2012); Hrivnak v. NCO Portfolio Mgmt., Inc., 723 F.Supp.2d 1020, 1029 (N.D. Ohio 2010); McDowall v. Cogan, 216 F.R.D. 46, 48-50 (E.D. N.Y. 2003). 2.

- 2. Plaintiff requests that the Court certify a class, so the common claims of the Class members, based on a uniform legal theory and factual allegations applicable to all Class members, can be resolved on a class-wide basis.
  - Plaintiff proposes the following Class definition:All persons who on or after four years prior to the filing of this action, were sent telephone facsimile messages of material advertising pharmaceutical
- 4. Under Rule 52.08(a)(1), to bring a Class action, the Class must be "so numerous that joinder of all members is impracticable." Rule 52.08(a)(1). Here, there are at least hundreds of persons who fall within the Class definition. Thus, the numerosity requirement of Rule 52.08(a)(1) is satisfied.
  - 5. There are questions of law or fact common to the Class members.

products by or on behalf of Defendant.

- 6. The claims or defenses of the representative parties are typical of the claims or defenses of this Class.
  - 7. Plaintiff and its counsel will fairly and adequately protect the interest of the Class.
- 8. Common issues of law or fact predominate over any individual issues, and a class action is the superior method for the fair and efficient adjudication of this controversy.
- 9. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications which would establish incompatible standards of conduct for the party opposing the class.
- 10. The prosecution of separate actions by individual members of the class would create a risk of adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

11. Plaintiff requests additional time to file its supporting Memorandum of Law after the Court sets up an appropriate discovery schedule. Written discovery related to class certification issues is presently outstanding.

WHEREFORE, Plaintiff prays that this Court certify this case as a class action, grant statutory injunctive relief prohibiting Defendants from sending advertising materials via fax to members of the class, and further pray that the Court appoint Plaintiff as Class Representative, appoint Plaintiff's attorneys Class Counsel; that this Court allow Plaintiff additional time, for completion of discovery related to class certification issues, to file its Memorandum of Law in Support of this Motion; and for such other and further relief as the Court deems appropriate under the circumstances.

Respectfully submitted,

Max G. Margulis, #24325

MARGULIS LAW GROUP

28 Old Belle Monte Rd.

Chesterfield, MQ 63017

P: (636) 536-7022

F: (636) 536-6652

E-Mail: MaxMargulis@MargulisLaw.com

Of Counsel Brian J. Wanca ANDERSON + WANCA 3701 Algonquin Road, Suite 760 Rolling Meadows, IL 60008

P: (847) 368-1500

Phillip A. Bock #6224502

Bock & Hatch, LLC

134 North LaSalle

Chicago, IL 60602

P: (312) 658-5500

F: (312) 658-5555

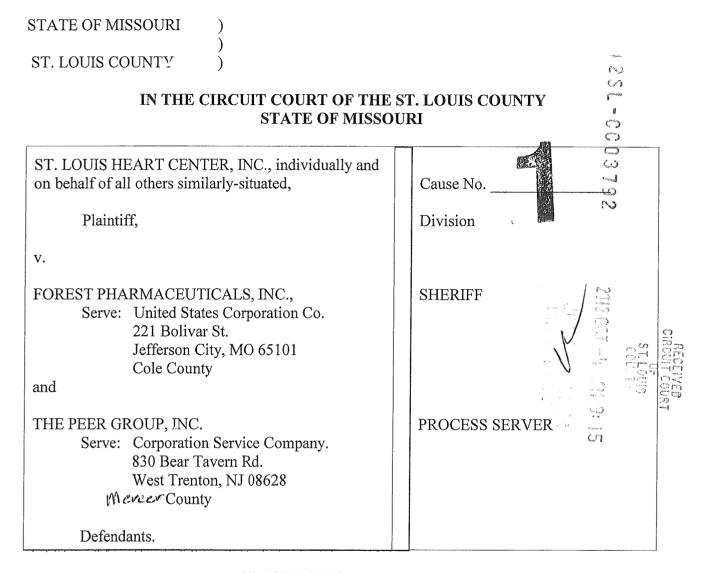
Email: phil@bockhatchllc.com

Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 13 of 65 PageID #: 20

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served on the Defendants Forest Pharmaceuticals, Inc. by the sheriff and on The Peer Group, Inc., by process server at the same time as the petition.

Max & Margulis



## **CLASS ACTION PETITION**

Plaintiff, ST. LOUIS HEART CENTER, INC. ("Plaintiff"), brings this action on behalf of itself and all others similarly situated, through its attorneys, and except as to those allegations pertaining to Plaintiff or its attorneys, which allegations are based upon personal knowledge, alleges the following upon information and belief against Defendants, FOREST PHARMACEUTICALS, INC. and THE PEER GROUP, INC., ("Defendants"):

### PRELIMINARY STATEMENT

- 1. This case challenges Defendants' practice of sending unsolicited facsimile advertisements.
- 2. The federal Telephone Consumer Protection Act, 47 USC § 227, prohibits a person or entity from sending or having an agent send fax advertisements without the recipient's prior express invitation or permission ("junk faxes" or "unsolicited faxes"). The TCPA provides a private right of action and provides statutory damages of \$500 per violation.
- 3. Unsolicited faxes damage their recipients. A junk fax recipient loses the use of its fax machine, paper, and ink toner. An unsolicited fax wastes the recipient's valuable time that would have been spent on something else. A junk fax interrupts the recipient's privacy. Unsolicited faxes prevent fax machines from receiving authorized faxes, prevent their use for authorized outgoing faxes, cause undue wear and tear on the recipients' fax machines, and require additional labor to attempt to discern the source and purpose of the unsolicited message. A junk fax consumes a portion of the limited capacity of the telecommunications infrastructure serving the victims of junk faxing.
- 4. On behalf of itself and all others similarly situated, Plaintiff brings this case as a class action asserting claims against Defendants under the TCPA, the common law of conversion and Missouri consumer and fraud and deceptive business practices act Chapter 407.
  - 5. Plaintiff seeks an award of statutory damages for each violation of the TCPA.

### JURISDICTION AND PARTIES

- 6. This court has personal jurisdiction over Defendants because Defendants transacts business within this state, have made contracts within this state, and/or have committed tortious acts within this state and otherwise have sufficient minimum contacts with the State of Missouri.
- 7. Plaintiff ST. LOUIS HEART CENTER, INC., is a Missouri corporation with its principal place of business in Missouri.
- 8. On information and belief, Defendant, FOREST PHARMACEUTICALS, INC., is a corporation with its principal place of business in New York and doing business in Missouri.
- 9. On information and belief, Defendant, THE PEER GROUP, INC., is a corporation with its principal place of business in New Jersey.

#### **RELEVANT FACTS**

- 10. Between the dates of August 3, 2012 and January 4, 2011 Defendant sent 40 unsolicited facsimiles to Plaintiff in St. Louis County, Missouri. A true and correct copy of the facsimiles are attached as Exhibits 1-40.
- 11. Defendants approved, authorized and participated in the scheme to broadcast faxes by (a) directing a list to be purchased or assembled; (b) directing and supervising employees or third parties to send the faxes; (c) creating and approving the form of fax to be sent; and (d) determining the number and frequency of the facsimile transmissions.
- 12. Defendants created or made Exhibits 1 40, which Defendants distributed to Plaintiff and the other members of the class.
- 13. Exhibits 1-40 are a part of Defendants' work or operations to market Defendants' goods or services which was performed by Defendants and on behalf of Defendants.

- 14. Exhibits 1-40 constitutes material furnished in connection with defendants' work or operations.
- 15. Exhibits 1 40 hereto are material advertising the commercial availability of any property, goods, or services.
- 16. The transmissions of Exhibits 1 40 to Plaintiff did not contain a notice that informs the recipient of the ability and means to avoid future unsolicited advertisements.
- 17. The transmissions of Exhibits 1-40 to Plaintiff did not contain a notice that states that the recipient may make a request to the sender of the advertisement not to send any future advertisements to a telephone facsimile machine or machines and that failure to comply, within 30 days, with such a request meeting the requirements under paragraph 47 C.F.R. 64.1200(a)(3)(v) of this section is unlawful.
- 18. The transmissions of Exhibits 1-40 to Plaintiff did not contain a notice that complied with the provisions of 47 U.S.C. § 227(b)(1)(C) and/or 47 C.F.R. 64.1200(a)(3).
- 19. The transmissions of Exhibits 1-40 to Plaintiff was required to contain a notice that complied with the provisions of 47 U.S.C. § 227(b)(1)(C) and/or 47 C.F.R. 64.1200(a)(3).
- 20. Plaintiff had not invited or given permission to Defendants to send fax advertisements.
  - 21. Plaintiff did not have an established business relationship with Defendants.
- 22. On information and belief, Defendants sent multiple unsolicited facsimiles to Plaintiff and members of the proposed classes throughout the time period covered by the class definitions.

- 23. On information and belief, Defendants faxed the same and similar facsimiles to the members of the proposed classes in Missouri and throughout the United States without first obtaining the recipients' prior express permission or invitation.
- 24. There is no reasonable means for Plaintiff (or any other class member) to avoid receiving unlawful faxes. Fax machines are left on and ready to receive the urgent communications their owners desire to receive.
- 25. Defendants knew or should have known that: (a) Exhibits 1 40 were a advertisements; (b) Plaintiff and the other members of the class had not given their prior permission or invitation to receive Exhibits 1 40; (c) No established business relationship existed with Plaintiff and the other members of the class; and (d) Defendants did not display a proper opt out notice.
- 26. Defendants engaged in the transmissions of Exhibits 1 40 believing such transmissions were legal based on Defendants' own understanding of the law and/or based on the representations of others on which Defendants reasonably relied.
- 27. Defendants did not intend to send transmissions of Exhibits 1-40 to any person where such transmission was not authorized by law or by the recipient, and to the extent that any transmissions of Exhibits 1-40 was sent to any person and such transmission was not authorized by law or by the recipient, such transmission was made based on either Defendants' own understanding of the law and/or based on the representations of others on which Defendants reasonably relied.

- 28. Defendants failed to correctly determine the legal restrictions on the use of facsimile transmissions and the application of those restrictions to the transmission of Exhibits 1 40 both to others in general, and specifically to Plaintiff.
- 29. The transmissions of Exhibits 1-40 to Plaintiff caused destruction of Plaintiff's property.
- 30. The transmissions of Exhibits 1-40 to Plaintiff interfered with Plaintiff's exclusive use of Plaintiff's property.
- 31. The transmissions of Exhibits 1-40 to Plaintiff interfered with Plaintiff's business and/or personal communications.

# COUNT I TELEPHONE CONSUMER PROTECTION ACT, 47 U.S.C. § 227

- 32. Plaintiff incorporates the preceding paragraphs as though fully set forth herein.
- 33. Plaintiff brings Count I pursuant to the Telephone Consumer Protection Act, 47 U.S.C. § 227, on behalf of the following class of persons:

All persons who (1) on or after four years prior to the filing of this action, (2) were sent telephone facsimile messages of material advertising the commercial availability of any property, goods, or services by or on behalf of Defendants (3) with respect to whom Defendants cannot provide evidence of prior express permission or invitation for the sending of such faxes, (4) with whom Defendants does not have an established business relationship and (5) which did not display a proper opt out notice.

- 34. A class action is warranted because:
  - a. On information and belief, the class includes more than forty persons and is so numerous that joinder of all members is impracticable.
  - b. There are questions of fact or law common to the class predominating over questions affecting only individual class members, including without limitation:

- i. Whether Defendants engaged in a pattern of sending unsolicited fax advertisements;
- ii. Whether Exhibits 1-40 contain material advertising the commercial availability of any property, goods or services;
- iii. Whether Defendants' facsimiles advertised the commercial availability of property, goods, or services;
- iv. The manner and method Defendants used to compile or obtain the list of fax numbers to which they sent Exhibits 1-40 and other unsolicited faxed advertisements;
- v. Whether Defendants faxed advertisements without first obtaining the recipients' prior express permission or invitation;
- vi. Whether Defendants violated the provisions of 47 USC § 227;
- vii. Whether Plaintiff and the other class members are entitled to statutory damages;
- viii. Whether Defendants knowingly violated the provisions of 47 USC § 227;
- ix. Whether Defendants should be enjoined from faxing advertisements in the future;
- x. Whether the Court should award trebled damages; and
- xi. Whether Exhibits 1 40 displayed the proper opt out notice required by 64 C.F.R. 1200.

- 35. Plaintiff will fairly and adequately protect the interests of the other class members. Plaintiff's counsel are experienced in handling class actions and claims involving unsolicited advertising faxes. Neither Plaintiff nor Plaintiff's counsel has any interests adverse or in conflict with the absent class members.
- 36. A class action is an appropriate method for adjudicating this controversy fairly and efficiently. The interest of each individual class member in controlling the prosecution of separate claims is small and individual actions are not economically feasible.
- 37. The TCPA prohibits the "use of any telephone facsimile machine, computer or other device to send an unsolicited advertisement to a telephone facsimile machine...." 47 U.S.C. § 227(b)(1).
- 38. The TCPA defines "unsolicited advertisement," as "any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's express invitation or permission." 47 U.S.C. § 227(a)(4).

### 39. The TCPA provides:

<u>Private right of action</u>. A person may, if otherwise permitted by the laws or rules of court of a state, bring in an appropriate court of that state:

- (A) An action based on a violation of this subsection or the regulations prescribed under this subsection to enjoin such violation,
- (B) An action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater, or
- (C) Both such actions.
- 40. The Court, in its discretion, may treble the statutory damages if the violation was knowing. 47 U.S.C. § 227.

- 41. The TCPA is a strict liability statute and the Defendants are liable to Plaintiff and the other class members even if their actions were only negligent.
- A2. Defendants' actions caused damages to Plaintiff and the other class members. Receiving Defendants' junk faxes caused the recipients to lose paper and toner consumed in the printing of Defendants' faxes. Moreover, Defendants' actions interfered with Plaintiff's use of its fax machine and telephone line connected to that fax machine. Defendants' faxes cost Plaintiff time, as Plaintiff and its employees wasted their time receiving, reviewing and routing Defendants' unlawful faxes. That time otherwise would have been spent on Plaintiff's business activities. Finally, Defendants' faxes unlawfully interrupted Plaintiff's and the other class members' privacy interests in being left alone.
- 43. Defendants did not intend to cause damage to Plaintiff and the other class members, did not intend to violate their privacy, and did not intend to interfere with recipients' fax machines or consume the recipients' valuable time with Defendants' advertisements.
- 44. If the court finds that Defendants knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than three times the amount available under subparagraph (B) of this paragraph. 47 U.S.C. § 227(b)(3).
- 45. Defendants knew or should have known that: (A) Plaintiff and the other class members had not given express permission or invitation for Defendants or anyone else to fax advertisements about Defendants' goods or services, (B) Defendants did not have an established business relationship with Plaintiff and the other members of the class, (C) Exhibits 1-40 were advertisements, and (D) Exhibits 1-40 did not display the proper opt out notice.

46. Defendants violated 47 U.S.C. § 227 et seq. by transmitting Exhibits 1 - 40 hereto to Plaintiff and the other members of the class without obtaining their prior express permission or invitation and not displaying the proper opt out notice required by 64 C.F.R. 1200.

Defendants knew or should have known that: (a) documents in Exhibits 1-40 were an advertisement; (b) Defendants did not obtain prior permission or invitation to send documents in Exhibits 1-40; (c) Defendants did not have an established business relationship with Plaintiff or the other members of the class and (d) Defendants did not display a proper opt out notice.

Defendants engaged in the transmissions of documents in Exhibits 1-40 believing such transmissions were legal based on Defendants' own understanding of the law and/or based on the representations of others on which Defendants reasonably relied.

Defendants did not intend to send transmissions of documents in Exhibits 1-40 to any person where such transmission was not authorized by law or by the recipient, and to the extent that any transmissions of documents in Exhibits 1-40 were sent to any person and such transmission was not authorized by law or by the recipient, such transmission was made based on either Defendants' own understanding of the law and/or based on the representations of others on which Defendants reasonably relied.

Defendants failed to correctly determine the legal restrictions on the use of facsimile transmissions and the application of those restrictions to the transmission of documents in Exhibits 1-40 both to others in general, and specifically to Plaintiff.

47. Defendants' actions caused damages to Plaintiff and the other class members, because their receipt of Defendants' unsolicited fax advertisements caused them to lose paper and toner consumed as a result. Defendants' actions prevented Plaintiff's fax machine from being used

for Plaintiff's business purposes during the time Defendants were using Plaintiff's fax machine for Defendants' unauthorized purpose. Defendants' actions also cost Plaintiff employee time, as Plaintiff's employees used their time receiving, routing and reviewing Defendants' unauthorized faxes and that time otherwise would have been spent on Plaintiff's business activities. Finally, the injury and property damage sustained by Plaintiff and the other members of the class occurred outside of Defendants' premises. Pursuant to law, Plaintiff, and each class member, instead may recover \$500 for each violation of the TCPA.

WHEREFORE, Plaintiff, ST. LOUIS HEART CENTER, INC., individually and on behalf of all others similarly situated, demand judgment in its favor and against Defendant, FOREST PHARMACEUTICALS, INC. and THE PEER GROUP, INC., as follows:

- A. That the Court adjudge and decree that the present case may be properly maintained as a class action, appoint Plaintiff as the representative of the class, and appoint Plaintiff's counsel as counsel for the class:
- B. That the Court award between \$500.00 and \$1,500.00 in damages for each violation of the TCPA;
- C. That the Court enter an injunction prohibiting the Defendants from engaging in the statutory violations at issue in this action; and
- D. That the Court award costs and such further relief as the Court may deem just and proper.
- E. That the Court award pre-judgment and post-judgment interest at the statutory rate of 9%.

Respectfully submitted,

Max G. Margulis, #24325

### MARGULIS LAW GROUP

28 Old Belle Monte Rd.

Chesterfield, MO 63017 P: (636) 536-7022

F: (636) 536-6652

E-Mail: <u>MaxMargulis@MargulisLaw.com</u> *Attorneys for Plaintiff* 

### Of Counsel

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ANDERSON + WANCA
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Rolling Meadows, IL 60008

Phone: (847) 368-1500 Fax: (847) 368-1501

E-Mail: bwanca@andersonwanca.com

Phillip A. Bock #6224502 Bock & Hatch, LLC 134 North LaSalle Chicago, IL 60602 P: (312) 658-5500

F: (312) 658-5555

Email: phil@bockhatchllc.com

Medical \_arketing→Ronald Weiss

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# HE HECUT CONTENT BYSTOLIC®: For the Treatment of Hypertension

August 3, 2010

Dr Ronald Weiss 1031 Bellevue Ave, Ste 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

We will mail you a confirmation letter approximately 10 days prior to the teleconference program. Attendance is on a first-come, first-served basis, so your prompt response via phone (1-888-PEER-321) or fax (1-800-929-8290) is greatly appreciated.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating health care professionals.

We look forward to your participation in this exciting program.

Sincerely.

Kathen Bresitte

Kathleen Bresette President

#### RSVP Information

Phone:

1-888-PEER-321

Fax:

(1-888-733-7321) 1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: August 9, 2010

Time: 0 8:00 PM 0 10:30 PM

Date: August 10, 2010

Time: [] 8:30 PM [] 9:30 PM [] 10:00 PM

Date: August 11, 2010

Time: | 8:00 PM | 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name: _	
Phone: _	
Address:	

City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



#### Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angine and theoccurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is plauned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully

BYSTOLIC is contraindicated in severe bradycardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hepatic impairment (Child-Pugh >B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verapamil and diffiazem type (ECG and blood pressure should be monitored), severe renatimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta blockers may mask some of the manifestations of hypoglycemia, particularly tachycardia.

When BYSTOLIC is admittistered with CYP2D6 inhibitors such as fluoxetine, significant increases in d-nebivolol may be observed (ie, an 8-folincrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately \$\geq 1\% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausca, insomnia, cliest pain, bradycardia, dyspites, rash, and peripheral edema.

Please see seww.HYSTOLIC.com for full Prescribing Information.



HL Heart Center BYSTOLIC\*: For the Treatment of Hypertension

August 10, 2010

Dr. Ronald Weiss 1031 Bellevue Ave, Ste 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC3: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

In the right-hand column, please find the program time and location being offered in your area. Space is limited so please respond promptly. We ask that you RSVP via phone or fax.

A confirmation letter will be mailed to you approximately 10 days prior to the dinner

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating healthcare professionals.

We look forward to your participation in this exciting program.

athern Bresite

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

#### **RSVP** Information

Phone: 1-888-PEER-321 (1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number.

Venue:

Morton's of Chicago 7822 Bonhomme Clayton, MO 63105

Phone Number: 3147254008

Date:

August 30, 2010

Time:

6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

Name:

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Phone:

Address:

#### Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoceurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully

BYSTOLIC is contraindicated in severe bradycardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hopatic impairment (Child-Pugh >B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verapamil and dibagrem type (ECG and blood pressure should be monitored), severe renalimpairment, and my degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, directions on BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta

When BYS TOLIC is administered with CYP2DS inhibitors such as fluoxetine, significant increases in d-nebivolol may be observed (ic; an 8-folincrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insoronia, chest pain, bradycardia, dyspnea,

Please see wave, BYSTOLIC.com for full Prescribing Information.



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Informed Medical

Medical Marketing→Ronald Weiss

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615 X

August 10, 2010

Dr Ronald Weiss 1031 Bellevue Ave, Ste 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

We will mail you a confirmation letter approximately 10 days prior to the teleconference program. Attendance is on a first-come, first-served basis, so your prompt response via phone (1-888-PEER-321) or fax (1-800-929-8290) is greatly appreciated.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating health care professionals.

We look forward to your participation in this exciting program.

Sincerely,

Kathleen Bresette President

Katheen Bresitte

Important Safety Information

RSVP Information

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax: 1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: August 16, 2010 Time: ☐ 9:00 PM ☐ 10:30 PM

Date: August 17, 2010 Time: [] 8:00 PM [] 9:30 PM

Date: August 18, 2010 Time: ☐ 8:30 PM ☐ 10:00 PM

Date: August 19, 2010 Time: ☐ 8:00 PM

If your address has recently changed, please provide us with the updated information here.

Name:	-
Phone:	
Address:	
City, State and Zip:	

To opt out of any future faxes, cali 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

Bystolic (). (nebivoloi) tablets

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of ungina and theoccurrence of myocardial infarction and ventricular arrhythmlas monitored.

BYSTOLIC is contraindicated in severe bradycardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac fallure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hepatic impairment (Child-Pugh >B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verapamil and diltiazem type (ECG and blood pressure should be monitored), severe renalimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in disbetic patients as beta blockers may mask some of the manifestations of hypoglycemis, particularly (achycardia.

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in denebivolol may be observed (ie, an 8-folincrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other bels blockers.

The most common adverse events with EYSTOLIC versus placebo (approximately >196 and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.

Please see www.BYSTOLIC.com for full Prescribing Information.



Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 29 of 65 PageID #: 36

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Informed Medical

Medical Ma...eting→Dr Ronald Weiss

St. Heart Center

# BYSTOLIC\*: For the Treatment of Hypertension

August 12, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC9: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

In the right-hand column, please find the program time and location being offered in your area. Space is limited so please respond promptly. We ask that you RSVP via phone or fax.

A confirmation letter will be mailed to you approximately 10 days prior to the dinner program.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating healthcare professionals.

We look forward to your participation in this exciting program.

Sincerely.

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

RSVP Information

Phone: 1-888-PEER-321

(1-888-733-7321)

1-800-929-8290 Fax:

Please provide your phone number:

Venue: Morton's of Chicago 7822 Bonhomme

Clayton, MO 63105 Phone Number.

3147254008

Date:

August 30, 2010

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion.

If your address has recently changed, please provide us with the updated information here.

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Address:

Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoceurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully

BYSTOLIC is contraindicated in severe bradyeardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksimus syndroune (unless a permanent pacemaker is in place), severe hepatic impairment (Child-Pugh>B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablookers and calcium channel blockers of the verapamil and BYSIOLAC should be considered, and persons and persons and persons and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in d-nebivolol may be observed (i.e., an 8-folinerease in AUC).

In general, patients with bronchospostic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea,

Please see www.BYSTOLIC.com for full Prescribing Information.



Informed Medical

Medical Ma...eting→Dr Ronald Weiss

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# HOGG ( Under BYSTOLIC®: For the Treatment of Hypertension

August 12, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

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We look forward to your participation in this exciting program.

Sincerely.

ather Bresitte

Kathleen Bresette President

**RSVP** Information

Phone: 1-888-PEER-321 (1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: August 16, 2010 Time: 09:00 PM 10:30 PM

Date: August 17, 2010 Time: 🛘 8:00 PM 🖺 9:30 PM

If your address has recently changed, please provide us with the updated information here.

Name:	
Phone:	
Address:	
City, State and Zip:	

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290,



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In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately >1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, lusomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.

Please see swew.hySTOLIC.com for full Prescribing Information.



Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 31 of 65 PageID #: 38

# 8/18/2010 12:24

Informed Medical

Medical Marketing→Ronald Weiss

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## BYSTOLIC®: For the Treatment of Hypertension

August 17, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

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We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating health care professionals.

We look forward to your participation in this exciting program.

Sincerely.

Kathleen Bresette

President

RSVP Information

Phone: 1-888-PEER-321

(1-888-733-7321) 1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: August 23, 2010

Time: [] 9:30 PM [] 10:00 PM

Date: August 24, 2010 Time: 8:00 PM 10:30 PM

Date: August 25, 2010

Time: [] 8:30 PM [] 9:00 PM [] 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name:	
Phone:	
Address:	
City, State and Zin	

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoccurrence of myocardial inferction and ventricular arrhythmiss Patents then greated with the samp construction of the samp with the blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully

BYSTOLIC is contraindicated in severe bradycardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksinus syndrome (unless a permatient pacemaker is in place), severe heratic impairment (Child-Pugh >B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verapamil and dilitazem type (ECG and blood pressure shoul/ be monitored), severe renslimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in disbetic patients as beta blockers may mask some of the manifestations of hypoglycemis, particularly tachycardia.

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in d-nebivolol may be observed (i.e., an 8-folincrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers

The most common adverse events with BYSTOLIC versus placebo (approximately >1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nauses, insomnia, chest pain, bradycardia,

Please see www.BYSTOLIC.com for full Prescribing Information.



zf 8/24/2010 08:47

Informed Medical

Medical Marketing→Ronald Weiss

1/1

SHL HEAVY CENTER BYSTOLIC®: For the Treatment of Hypertension

August 24, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC<sup>©</sup>: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

In the right-hand column, please find the program time and location being offered in your area. Space is limited so please respond promptly. We ask that you RSVP via phone or fax.

A confirmation letter will be mailed to you approximately 10 days prior to the dinner program.

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We look forward to your participation in this exciting program.

Sincerely.

President The Peer Group

arrien Bresitte

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

RSVP Information

Phone: 1-888-PEER-321

Fax:

(1-888-733-7321)

1-800-929-8290

Please provide your phone number:

Venue: Morton's of Chicago 7822 Bonhomme Clayton, MO 63105

Phone Number. 3147254008

Date:

August 30, 2010

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

(neblvolol) tablets Stevens of or kiecy and toke stality

Address:

#### Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoceurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully

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Please see waw.BYSTOLIC.com for full Prescribing Information.



Medical ⊿rketing→Ronald Weiss

1/1

St Heart Center

BYSTOLIC\*: For the Treatment of Hypertension

August 30, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

Sincerely.

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

#### **RSVP Information**

Phone:

1-888-PEER-321 (1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Venue:

Morton's of Chicago 7822 Bonhomme Clayton, MO 63105

Phone Number: 3147254008

Date:

August 30, 2010

Time:

6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion.

If your address has recently changed, please provide us with the updated information here.

(nebivolol) tablets Phone:

Address:

#### Important Safety Information

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Please see www.BYSTOLIC.com for full Prescribing Information.



SH Heart Center

# BYSTOLIC®: For the Treatment of Hypertension

August 31, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLICe: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

#### **RSVP** Information

Phone: 1-888-PEER-321 (1-888-733-7321)

1-800-929-8290

Please provide your phone number:

Venue Araka 131 Carondelet Plaza Clayton, MO 63105

Phone Number: 3147256777

September 23, 2010

Time: 6:15 PM Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

Name: (nebivolol) tablets Balance of efficient and interaligity

Address:

#### Important Safety Information

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BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, incommia, thest pain, bradyeardia, dyspnea, rash, and peripheral edema.

Please see www.BVSTOLIC.com for full Prescribing Information.



# 8/31/2010 22:26

Informed Medical

Medical Marketing→Ronald Weiss

# BYSTOLIC®: For the Treatment of Hypertension

August 31, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC. For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

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We look forward to your participation in this exciting program.

Sincerely.

Kathern Bresite

Kathleen Bresette President

RSVP Information

Phone: 1-888-PEER-321 (1-888-733-7321)

Fax.

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: September 7, 2010 Time: ☐ 8:30 PM ☐ 10:00 PM

Date: September 8, 2010

Time: [] 8:30 PM [] 9:30 PM [] 10:30 PM

Date: September 9, 2010 Time: 8:00 PM 10:30 PM

If your address has recently changed, please provide us with the updated information here.

Name: Phone: \_\_\_ Address: \_\_\_

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

City, State and Zip:

Important Safety Information

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Please see www.BYSTOLIC.com for full Prescribing Information.



# Str Heart Center

## BYSTOLIC®: For the Treatment of Hypertension



September 7, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC<sup>®</sup>: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

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We look forward to your participation in this exciting program.

Sincerely,

Kathleen Bresette President

athern Bresitte

RSVP Information

Phone:

1-888-PEER-321 (1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: September 13, 2010

Time: 🛘 8:00 PM 🖂 9:00 PM 🖂 10:00 PM

Date: September 14, 2010 Time: 1 9:30 PM

Date: September 15, 2010

Time: [] 9:30 PM

Date: September 16, 2010 Time: ☐ 8:30 PM ☐ 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name:	
Phone:	
Address:	
City, State and Zip:	

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



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Please see www.BY STOLIC.com for full Prescribing Information.

EXHIBIT 11

September 14, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC<sup>®</sup>: For the Treatment of Hypertension, Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

Sincerely,

Karreen Bresitte

The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

**RSVP** Information

Phone:

1-888-PEER-321 (1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Venue: Araka 131 Carondelet Plaza Clayton, MO 63105

Phone Number: 3147256777

September 23, 2010

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

(neblvolol) tablets. Balanca of efficiery and toleralitizy.

Address:

## Important Salety Information

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Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 38 of 65 PageID #: 45

¥ 9/20/2010 09:40

Informed Medical

Medical Marketing→Ronald Weiss

1/1

St. Heart Center

BYSTOLIC®: For the Treatment of Hypertension

W22X

September 20, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC<sup>6</sup>: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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Sincerely.

President The Peer Group

achien Bresitte

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**RSVP** Information

Phone: 1-888-PEER-321

Fax:

(1-888-733-7321)

1-800-929-8290

Please provide your phone number:

Venue: Araka 131 Carondelet Pl

131 Carondelet Plaza Clayton, MO 63105

Phone Number: 3147256777

Date: September 23, 2010

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

Bystolic ( Name: (nebivolol) tablets Phone:

Address:

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# 9/23/2010 08:16

Informed Medical

Medical .\_rketing → Ronald Weiss

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SHL Heart Center

BYSTOLIC®: For the Treatment of Hypertension

023X

September 21, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC<sup>©</sup>: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

We will mail you a confirmation letter approximately 10 days prior to the teleconference program. Attendance is on a first-come, first-served basis, so your prompt response via phone (1-888-PEER-321) or fax (1-800-929-8290) is greatly appreciated.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating health care professionals.

We look forward to your participation in this exciting program.

Sincerely,

Karrien Bresate

Kathleen Bresette President **RSVP** Information

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax: 1-8

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: October 4, 2010

Time: 🛘 8:00 PM 🗍 9:30 PM

Date: October 5, 2010

Time: 0 8:30 PM 0 10:00 PM

Date: October 6, 2010

Time: 

9:00 PM 

10:30 PM

Date: October 7, 2010 Time: ☐ 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name: _	
Phone:	
Address	
City, Sta	ate and Zip;
	•

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe executation of angina and theoccurrence of myocardial inferction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully monitored.

BYSTOLIC is contraindicated in severe brady ardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hepatic impairment (Child-Pugh >B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verspamil and diltiazem type (ECG and blood pressure should be monitored), severe realimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta blockers may mask some of the manifestations of hypoglycemia, particularly techycardia.

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in d-nebivoloi may be observed (ie, an 8-folintrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.



Informed Medical

Medical ...arketing→Ronald Weiss

1/1

St. Heart Center

## BYSTOLIC\*: For the Treatment of Hypertension

624X

September 28, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join zeveral of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC<sup>5</sup>: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

Sincerely,

Karreen Bresette

President The Peer Group

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**RSVP** Information

Phone: 1-888-PEER-321

(1-888-733-7321) Fax: 1-800-929-8290

Please provide your phone number.

Venue: Ruth's Chris Steakhouse 315 Chestnut Street St Louis, MO 63102

Phone Number: 3142593200

Date: October 19, 2010

Time: 6:15 PM Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion-

If your address has recently changed, please provide us with the updated information here.

Bystolic (). Name: (nebivolol) tablets.
Salance of effects and total striby. Phone:

Address:

Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoceurrence of trayocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient enrefully

BYSTOLIC is contraindicated in severe bradyeardis, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksimus syndrome (unless a permanent pacemaker is in place), severe hepatic impairment (Child-Pugh > B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with eaution in patients with periphem! vascular disease, thyrotexicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verapamil and dilüazem type (ECG and blood pressure should be monitored), revere renatimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta blockers may mask some of the manifestations of hypoglycemia, particularly tachycardia.

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoretine, significant increases in d- nebivolol may be observed (ie, an B-folincrease in AUC).

In general, patients with brouchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately 21% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.



Doc. #: 1-2 Filed: 11/30/12 Informed Medical

Medical

Page: 41 of 65 PageID #: 48

Keting→Ronald Weiss

Str Heart Center

BYSTOLIC®: For the Treatment of Hypertension

October 5, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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Sincerely,

achieva Bresitte

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

RSVP Information

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax: 1-800-929-8290

Please provide your phone number:

Venue.

Ruth's Chris Steakhouse 315 Chestnut Street St Louis, MO 63102

Phone Number. 3142593200

Date:

October 19, 2010

Time:

6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

(nebivolol) tablets

Address:

## Important Salety Information

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In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigue, dizziness, dizerhea, naussa, insoumia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.



z 10/6/2010 15:10

Informed Medical

Medical marketing→Ronald Weiss

626X

## SHE HELLA CLUTER BYSTOLIC®: For the Treatment of Hypertension

October 5, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

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We look forward to your participation in this exciting program.

Sincerely

Katheen Bresitte

Kathleen Bresette President

## **RSVP** Information

Phone:

1-888-PEER-321

(1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: October 11, 2010 Time: ☐ 8:30 PM ☐ 10:30 PM

Date: October 12, 2010 Time: [] 8:00 PM [] 9:30 PM

Date: October 13, 2010 Time: [] 8:30 PM [] 10:00 PM

Date: October 14, 2010 Time: 10:30 PM

If your address has recently changed, please provide us with the updated information here.

Name:
Phone:
Address;
City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



Important Safety Information

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BYSTOLIC should not be combined with other bets blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.

Please see New BY STOLIC com for full Prescribing Information.



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z 10/20/2010 03:09

Informed Medical

Medical Marketing→Ronald Weiss

Henry Center

## BYSTOLIC®: For the Treatment of Hypertension

October 19, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

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We look forward to your participation in this exciting program.

Sincerely,

athles Bresitte Kathleen Bresette

President

RSVP Information

Phone: 1-888-PEER-321

(1-888-733-7321)Fax:

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: October 25, 2010 Time: [] 8:00 PM [] 9:30 PM

Date: October 26, 2010 Time: 0 9:00 PM 10:30 PM

Date: October 27, 2010 Time: [] 8:30 PM [] 10:00 PM

Date: October 28, 2010 Time: [] 10:30 PM

If your address has recently changed, please provide us with the updated information here.

Name;
Phone:
Address:
City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

> (nebivolol) tablets . Bolonica of efficacy and tracoliking

Important Safety Information

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Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 44 of 65 PageID #: 51

# 10/26/2010 12:40 Heavy Cuter Informed Medical

Medical Marketing→Ronald Weiss

1/1

BYSTOLIC\*: For the Treatment of Hypertension

629 X

October 26, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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Katheen Bresite

President
The Peer Group

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**RSVP** Information

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax: 1-800-929-8290

Please provide your phone number:

Venue: Ruth's Chris Steakhouse 315 Chestnut Street St Louis, MO 63102

Phone Number: 3142593200

Date:

November 18, 2010

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

Bystolic (... Name: (neblvolol) tablets.

Belance brefriesoy and tosvalatily. Phone:

Address:

## Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoremence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully monitored.

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BYSTOLIC should not be combined with other beta blockers.

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# 10/26/2010 23:55

Informed Medical

Medical Marketing→Ronald Weiss

1/1

Stheteart Center

BYSTOLIC®: For the Treatment of Hypertension

U28X

October 26, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

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Sincerely,

Kathleen Bresette

Katheen Bresitte

President

**RSVP Information** 

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax: 1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: November 1, 2010 Time: 0 8:00 PM 0 9:30 PM

Date: November 2, 2010

Time: [] 8:00 PM [] 9:00 PM [] 10:30 PM

Date: November 3, 2010 Time: [] 8:30 PM [] 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name: \_\_\_\_\_

Address:

City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

Bystolic (). (nebivolol) tablets

Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoceurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with bota blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully monitored.

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Please see www.fly STOLIC.com for full Prescribing Information.

EXHIBIT 20

Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 46 of 65 PageID #: 53

# 11/2/2010 10:59

Informed Medical

Medical Marketing→Ronald Weiss

Heart Cuter BYSTOLIC\*: For the Treatment of Hypertension

W30

November 2, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC\*: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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Sincerely.

Katheen Bresitte

President The Peer Group

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RSVP Information

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax 1-800-929-8290

Please provide your phone number:

Venue: Ruth's Chris Steakhouse 315 Chestnut Street St Louis, MO 63102

Phone Number. 3142593200

November 18, 2010

Time: 6:15 PM Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the undated information here.

(nebivolol) tablets Bulance bilerticacy and total alady

Address:

Important Safety Information

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BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablookers and calcium channel blockers of the verapamil and dilfazzen type (ECG and blood pressure should be monitored), severe renalimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Gaution should also be used in diabetic patients as beta blockers may mask some of the manifestation: of hypoglycemia, particularly tachycardia.

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in denotivolol may be observed (i.e., as 8-folincrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately 21% and greater than placebo) were headeche, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema. EXHIBITA

# 11/3/2010 23:40

Informed Medical

Medical Marketing→Ronald Weiss

Nowther BYSTOLIC®: For the Treatment of Hypertension

November 3, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

We will mail you a confirmation letter approximately 10 days prior to the teleconference program. Attendance is on a first-come, first-served basis, so your prompt response via phone (1-888-PEER-321) or fax (1-800-929-8290) is greatly appreciated.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating health care professionals.

We look forward to your participation in this exciting program.

Sincerely.

Kathleen Bresette President

achier Bresitte

#### RSVP Information

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: November 8, 2010 Time: [] 8:30 PM [] 9:30 PM

Date: November 9, 2010 Time: 
9:00 PM 10:00 PM

Date: November 10, 2010 Time: [] 8:00 PM [] 9:30 PM

Date: November 11, 2010 Time: ☐ 10:30 PM

If your address has recently changed, please provide us with the updated information here.

Name:
Phone:
Address:

City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

Rulaman of officers and tringability

Important Safety Information Patients being treated with BYSTOLIC should be advised against about discontinuation of therapy, Severe exacerbation of angina and theoccurrence of myocardial infarction and ventricular arrhythmias have been reported following the about cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully monitored.

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BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately >1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, EXEBIT 22 dyspnea, rash, and peripheral edema.

Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 48 of 65 PageID #: 55

x 11/9/2010 11:08

Informed Medical

Medical Mu. Keting → Ronald Weiss

1/1

SH HEWA CONTENT BYSTOLIC®: For the Treatment of Hypertension

U31

November 9, 2010

Dr. Ronald Weiss 1031 Believue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

athern Bresite

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

RSVP Information

Phone:

1-888-PEER-321

Fax:

(1-888-733-7321)

1-800-929-8290

Please provide your phone number:

Venue.

Ruth's Chris Steakhouse 315 Chestnut Street St Louis, MO 63102

Phone Number. 3142593200

Date:

November 18, 2010

6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

Name:

(nebivolol) tablets Balance of efficiery and tolerability

Phone:

Address:

Important Selety Information

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BYSTOLIC should not be combined with other beta blockers.

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# 11/9/2010 15:53

Informed Medical

Medical Marketing→Ronald Weiss

1/1

It Heart Center

BYSTOLIC®: For the Treatment of Hypertension

November 9, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC3: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

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We look forward to your participation in this exciting program.

Sincerely,

Kathleen Bresette

ather Bresett

President

**RSVP** Information

Phone: 1-888-PEER-321

Fax:

(1-888-733-7321)1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: November 15, 2010

Time: 

8:00 PM 

9:00 PM 

9:30 PM

10:30 PM

Date: November 16, 2010 Time: D 8:00 PM D 9:30 PM

Date: November 17, 2010 Time: [] 10:00 PM

If your address has recently changed please provide us with the updated information here.

Name:
Phone:
Address:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

City, State and Zip:



## Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severa exacerbation of angina and theoccurrence of myocardial infarction and ventricular arrhythmics have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1-to 2-week period and the patient carefully

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The most common adverse events with BYSTOLIC versus placebo (approximately >1% and greater than placebo) were headache, fullgue, dizziness, diarchea, nausea, insomnia, chea pain, bradycardia, EXHIBIT 24 dyspnea, rash, and peripheral edema.

# 11/15/2010 11:19

Informed Medical

Medical Marketing→Ronald Weiss

1/1

Stl Heart Center

BYSTOLIC®: For the Treatment of Hypertension

1034 X

November 15, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC<sup>®</sup>: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

Sincerely

Kathen Bresitte

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

**RSVP** Information

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax: 1-800-929-8290

Please provide your phone number:

Venue: Ruth's Chris Steakhouse 315 Chestnut Street St Louis, MO 63102

Phone Number: 3142593200

Date:

November 18, 2010

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

Bystolic (). Name: (nebivolol) tablets.

Address:

Important Safety Information

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The most common adverse events with BYSTOLIC versus placebo (approximately 21% and greater than placebo) were headache, farigue, dizziness, diarrhea, nausea, insommia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.

Please see waw, BY STOLIC.com for full Prescribing Information

EXHIBIT 25

Medica. ⊿rketing→Ronald Weiss

St. Heart Clutter BYSTOLIC\*: For the Treatment of Hypertension

November 16, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC3: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

Sincerely,

athern Bresate

President. The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

#### **RSVP Information**

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax. 1-800-929-8290

Please provide your phone number:

Venue:

Fleming's Prime Steakhouse 1855 South Lindbergh Blvd. St. Louis, MO 63131

Phone Number. 3145677610

Date:

December 15, 2010

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

(nebivolol) tablets Salance of efficient and (ceralizary

Address:

Important Safety Information

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BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately 21% and greater than placebo) were headache, fatigue, dizziness, dizziness, dizziness, insommia, chest pain, bradycardia, dyspaca, rash, and peripheral edema



zf 11/17/2010 12:45

Informed Medical

Medical Marketing→Ronald Weiss

St. Heart Cluter BYSTOLIC®: For the Treatment of Hypertension

November 16, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

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We look forward to your participation in this exciting program.

Sincerely.

Kathleen Bresette President

athless Blesate

RSVP Information

Phone: 1-888-PEER-321

Fax:

(1-888-733-7321) 1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: November 29, 2010

Time: 🛘 8:00 PM 🗀 9:00 PM 🗎 9:30 PM

Date: November 30, 2010 Time: 3 8:30 PM 10:00 PM

Date: December 2, 2010 Time: [] 8:30 PM [] 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name:
Phone:
Address:
City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



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¥ 11/22/2010 11:18

Informed Medical

Medical Marketing → Ronald Weiss

SHL Heart Center

BYSTOLIC®: For the Treatment of Hypertension

November 22, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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arreen Bresite

President The Peer Group

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## RSVP Information

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax: 1-800-929-8290

Please provide your phone number:

Venue:

Fleming's Prime Steakhouse 1855 South Lindbergh Blvd. St. Louis, MO 63131

Phone Number: 3145677610

December 15, 2010

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

(neblyolol) tablets Balance brieffictive and interatelity.

Address:

Important Safety Information

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# 11/23/2010 13:28

Informed Medical

Medical Marketing→Ronald Weiss

SHE HEAVE COWLET BYSTOLIC®: For the Treatment of Hypertension

November 22, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

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We look forward to your participation in this exciting program.

Sincerely.

ather Bresith

Kathleen Bresette President

## **RSVP Information**

Phone: 1-888-PEER-321

(1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference

Date: November 29, 2010

Time: [] 8:00 PM [] 9:00 PM [] 9:30 PM

Date: November 30, 2010 Time: [] 8:30 PM [] 10:00 PM

Date: December 2, 2010 Time: [] 8:30 PM [] 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name:	
Phone:	
Address:	
City, State and Zip:	

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



## Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoccurrence of myocardial inferction and ventricular arrhythmics have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully monitored.

BYSTOLIC is contraindicated in severe bradycardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hepatic impairment (Child Pugh >B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vescular disease, thyrotoxicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verapamil and diliazem type (ECG and blood pressure should be monitored), severe renslimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta blockers may mask some of the manifestations of hypoglycemia, particularly tachycardia

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in d. nebivoloi may be observed (ie, an 8.folincrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebe (approximately ≥1% and g ausea, insomnia, chest pain, bradycardia, EXHIBIT 29 dyspnea, rash, and peripheral edema.

# 12/1/2010 00:35

Informed Medical

Medical Marketing→Ronald Weiss

## BYSTOLIC®: For the Treatment of Hypertension

November 30, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

We will mail you a confirmation letter approximately 10 days prior to the teleconference program. Attendance is on a first-come, first-served basis, so your prompt response via phone (1-888-PEER-321) or fax (1-800-929-8290) is greatly appreciated.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating health care professionals.

We look forward to your participation in this exciting program.

Sincerely.

Kathleen Bresette President

icheen Bresitte

RSVP Information

1-888-PEER-321 (1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:	
	,

Please indicate which time is most convenient for an upcoming teleconference

Date: December 6, 2010 Time: 8:00 PM 9:30 PM

Date: December 7, 2010 Time: [] 9:00 PM [] 10:30 PM

Date: December 8, 2010 Time: [] 8:30 PM [] 10:00 PM

Date: December 9, 2010 Time: D 8:00 PM

If your address has recently changed please provide us with the updated information here.

Phone:
A ddress:
City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



## Important Safety Information

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BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verapanil and dilitazem type (ECG and blood pressure should be monitored), severe renalimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta blockers may mask some of the manifestations of hypoglycemia, particularly tachycardia.

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In general, patients with bronchospastic disease should not receive beta blockers,

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater t fatigue, dizziness, diarrhea, nansea, insomnia, chest pain, bradycardia, XHIBIT 3 dyspnea, rash, and peripheral edema.

¥ 12/7/2010 11:52

Informed Medical

Medical Marketing→Ronald Weiss

Sti Heart Center

BYSTOLIC®: For the Treatment of Hypertension

December 7, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

In the right-hand column, please find the program time and location being offered in your area. Space is limited so please respond promptly. We ask that you RSVP via phone or fax.

A confirmation letter will be mailed to you approximately 10 days prior to the dinner program.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating healthcare professionals.

We look forward to your participation in this exciting program.

Katheen Bresite

President

The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

#### **RSVP** Information

Phone:

1-888-PEER-321 (1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Venue:

Fleming's Prime Steakhouse 1855 South Lindbergh Blvd. St. Louis, MO 63131

Phone Number. 3145677610

Date:

December 15, 2010

6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion-

If your address has recently changed, please provide us with the updated information here.

Name:

(nebivolol) tablets

Phone:

Address:

Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoceurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient carefully

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When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in d-nebivolol may be observed (1e, an 8-folincrease in AUC).

In general, patients with bronchospartic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately 21% and greater than placebo) were headache, fatigue, dizziness, diarrhez, nausea, insomnia, chest pain, bradycardia, dyspnes, EXHIBIT 3 rash, and peripheral edems.

StL Heart Center

## BYSTOLIC®: For the Treatment of Hypertension

December 7, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

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We look forward to your participation in this exciting program.

facher Bresite

Kathleen Bresette President

### **RSVP** Information

Phone:

Fax:

1-888-PEER-321

(1-888-733-7321)1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference Œፐነ·

Date: December 13, 2010 Time: [] 8:30 PM [] 10:00 PM

Date: December 14, 2010 Time: 3 8:00 PM 3 9:00 PM

Date: December 15, 2010 Time: □ 9:30 PM □ 10:30 PM

Date: December 16, 2010 Time: [] 8:00 PM

If your address has recently changed, please provide us with the updated information here.

Name:
Phone:
Address:
City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



## Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoccurrence of myocardial infarction and ventricular arrhythmias Pagents Duning Leaven with B 1010 Day of the sample of the

BYSTOLIC is contraindicated in severe bradycardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hepatic impairment (Child-Pugh >B), and in patients who are hypersensitive to any component of this product.

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When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in denebivolol may be observed (i.e., an 8-folincrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BY STOLIC should not be combined with other beta blockers.

The most common adverse events with BYS' OLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema. EXHIBIT 32

BYSTOLIC®: For the Treatment of Hypertension

December 13, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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A confirmation letter will be mailed to you approximately 10 days prior to the dinner program.

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We look forward to your participation in this exciting program.

Sincerely,

President The Peer Group

achien Bresette

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

RSVP Information

1-888-PEER-321 Phone:

(1-888-733-7321)

1-800-929-8290 Fax:

Please provide your phone number:

Venue: Morton's of Chicago 7822 Bonhomme Clayton, MO 63105

Phone Number. 3147254008

Date: January 11, 2011

Time: 6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

(nebivolol) tablets Salancu prieriteady uno telerability.

Address:

Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoceurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers, When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient exacefully

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When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in donebivolol may be observed (ie, an 8-folinerease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately 21% and greater than placebo) were headache, fatigue, dizziness, diurthez, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.

Please see wary. BY STOLIC. cam for full Prescribing Information.

EXHIBIT 33

# A.L. HEAVY COUNTY BYSTOLIC®: For the Treatment of Hypertension

December 20, 2010

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hypertension. Specialists. and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

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We look forward to your participation in this exciting program.

President

Katheen Bresite Kathleen Bresette

RSVP Information

Phone:

1-888-PEER-321 (1-888-733-7321)

1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference

Date: December 27, 2010 Time: 10:30 PM

Date: December 28, 2010 Time: [] 10:00 PM

Date: December 29, 2010 Time: [] 9:30 PM

If your address has recently changed, please provide us with the updated information here.

Name:
Phone:
Address:
City, State and Zip:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



## Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoccurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1 - to 2 week period and the patient carefully monitored.

BYSTOLIC is contraindicated in severe bradycardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hepatic impairment (Child-Pugh >R), and in patients who are hypersensitive to any component of this product.

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When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoretine, significant increases in d- nebivolol may be observed (i.e., an 8-folincrease in AUC).

In general, patients with bronchospastic discuse should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigne, dizziness, diarrhea, nausca, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema. EXHIBIT

4. L Heart anter

BYSTOLIC\*: For the Treatment of Hypertension

December 20, 2010

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC": For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

Sincerely,

arrien Bresitte

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

## RSVP Information

1-888-PEER-321 Phone:

(1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number:

Venue: Morton's of Chicago 7822 Bonhomme Clayton, MO 63105

Phone Number. 3147254008

January 11, 2011

Time: 6:15 PM Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the updated information here.

(nebivolol) tablets

Address:

Important Safety Information

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In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately 21% and greater than placebo) were bradache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema. EXHIBIT 3

Case: 4:12-cv-02224-JCH Doc #: 1-2, Filed: 11/30/12/k Page: 61. 85.65 Page ID #: 68,/1

## St. L HEART CENTER BYSTOLIC®: For the Treatment of Hypertension

February 8, 2011

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC\*: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

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We look forward to your participation in this exciting program.

Sincerely,

Kathleen Bresette President

athlew Bresette

**RSVP** Information

1-888-PEER-321 Phone:

(1-888-733-7321)

1-800-929-8290 Fax:

Please provide your phone number:

Please indicate which time is most convenient for an upcoming teleconference (ET):

Date: March 7, 2011 Time: 1 9:00 PM

Date: March 15, 2011 Time: 0 9:30 PM

Date: March 24, 2011 Time: [] 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name:

Phone:

City, State and Zip:

Address:

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.



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In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately ≥1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema.



Filed: 11/30/12 Page: 62.0f 65. PageID #: 69.1 

St. L Heart Center BYSTOLIC®: For the Treatment of Hypertension

February 15, 2011

Dr. Ronald Weiss 1031 Bellevue Avenue Snite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC®: For the Treatment of Hyportension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

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We look forward to your participation in this exciting program.

Sincerely,

atheen Bresite

President The Peer Group

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

RSVP Information

1-888-PEER-321 Phone:

(1-888-733-7321)

Fax:

1-800-929-8290

Flease provide your phone number	Please provide your phone nu	nder:
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Venue:

Truffles

9202 Clayton Road St. Louis, MO 63124

Phone Number. 3145679100

Date:

March 15, 2011

Time:

6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the undated information here.

Name:

Address:

Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoretisenese of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient earefully monitored

BYSTOLIC is contraindicated in severe bradycardia, heart block greater than first degree, cardiogenic shock, decompensated cardiac failure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hepsite impairment (Child-Pugh >B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablockers and calcium channel blockers of the verspamil and diliazem type (ECG and blood pressure should be monitored), severe renalimparment, and any degree of hepatic impairment or in patients undergoing major surgery. In patients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta blockers may mask some of the manifestations of hypoglycemia, particularly tachycardia.

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in d- nebivolol may be observed (ie, an 8-falinerease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with BYSTOLIC versus placebo (approximately >1% and greater than placebo) were headache, fatigue, dizziness, diarrhea, nausca, insomnia, chest pain, bradycardia, dyspnea, rash, and peripheral edema. EXHIBIT 38

February 22, 2011

Dr. Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Peer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC\*: For the Treatment of Hypertension. Local specialists and primary care practitioners will be participating in this interactive and dynamic dinner program.

In the right-hand column, please find the program time and location being offered in your area. Space is limited so please respond promptly. We ask that you RSVP via phone or fax.

A confirmation letter will be mailed to you approximately 10 days prior to the dinner program.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharmaceutical Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating healthcare professionals.

We look forward to your participation in this exciting program.

Sincerely,

President The Peer Group

Katheen Bresett

To opt out of any future faxes, call 1-888-PEER-321 (1-888-733-7321) or fax us at 1-800-929-8290.

## **RSVP Information**

Phone: 1-888-PEER-321 (1-888-733-7321)

Fax:

1-800-929-8290

Please provide your phone number.

Venue: Truffles 9202 Clayton Road St. Louis, MO 63124

Phone Number: 3145679100

Date:

March 15, 2011

Time:

6:15 PM

Reception/Registration

6:30 PM- 8:00 PM Dinner and Discussion

If your address has recently changed, please provide us with the undated information here.

Name: (nebivolol) tablets

Address:

## Important Safety Information

Patients being treated with BYSTOLIC should be advised against abrupt discontinuation of therapy. Severe exacerbation of angina and theoceurrence of myocardial infarction and ventricular arrhythmias have been reported following the abrupt cessation of therapy with beta blockers. When discontinuation is planned, the dosage should be reduced gradually over a 1- to 2-week period and the patient executly

BYSTOLIC is contraindiested in severe bradycardis, heart block greater than first degree, cardiogenic shock, decompensated our diae failure, sicksinus syndrome (unless a permanent pacemaker is in place), severe hepain impairment (Child-Pugh>B), and in patients who are hypersensitive to any component of this product.

BYSTOLIC should be used with caution in patients with peripheral vascular disease, thyrotoxicosis, in patients treated concomitantly with betablookers and calcium channel blockers of the verapamil and different type (ECG and blood pressure should be monitored), sever renalimpairment, and any degree of hepatic impairment or in patients undergoing major surgery. In aptients who have compensated congestive heart failure, BYSTOLIC should be administered cautiously. If heart failure worsens, discontinuation of BYSTOLIC should be considered. Caution should also be used in diabetic patients as beta blockers may mask some of the manifestations of hypoglycemia, particularly tachycardia.

When BYSTOLIC is administered with CYP2D6 inhibitors such as fluoxetine, significant increases in d. nebivolol may be observed (ie, an 8-folincrease in AUC).

In general, patients with bronchospastic disease should not receive beta blockers.

BYSTOLIC should not be combined with other beta blockers.

The most common adverse events with EVSTOLIC versus placebo (approximately 21% and greater than placebo) were headache, futigue, dizziness, diarrhea, nausea, insomnia, chest pain, bradyeardia, dyspnea,

Please see www.BYSTOLIC.com for full Prescribing Information.

EXHIBIT 39

£ 1/4/2011 21:48

Informed Medical

Medical Market ang > 1348116\_1181541/

171

Sth Heart Center

BYSTOLIC": For the Treatment of Hypertensian

January 4, 2011

Dr Ronald Weiss 1031 Bellevue Avenue Suite 206 Saint Louis, MO 63117

Dear Dr. Weiss

On behalf of Forest Pharmaceuticals, Inc. and The Prer Group, I am delighted to extend an invitation to join several of your colleagues for an in-depth medical discussion regarding the treatment of hypertension. The presentation will be led by an expert guest speaker as well as a professional moderator who will facilitate a discussion on BYSTOLIC<sup>2</sup>: For the Treatment of Hypertension. Specialists and primary care practitioners will be participating in this interactive and dynamic teleconference program.

In the right-hand column, please find program times that are being offered in the near future. Space is limited so please respond promptly. We ask that you RSVP via phone or fax. Also, please indicate the phone number at which you would like to receive the conference call.

We will mail you a confirmation letter approximately 10 days prior to the teleconference program. Attendance is on a first-come, first-served basis, so your prompt response via phone (1-888-PEER-321) or fax (1-800-929-8290) is greatly appropriated.

We comply with all applicable laws and regulations and endorse the ethical standards of the Pharm accution! Research and Manufacturers of America (PhRMA) Code on Interaction with Healthcare Professionals. As such, this program is open to invitees only and product discussion will be limited to approved indicated uses. Thank you in advance for supporting our effort to ensure a high-quality learning environment for all participating health care professionals.

We look forward to your participation in this exciting program.

Sincerely,

Karrens Bresite

Kathleen Bresette President RSVP information

Phone: 1-888-PEER-321

(1-888-733-7321) Fax: 1-800-929-8290

Please provide your phone number:

Please indicate which time is most convenient for an uncoming teleconformica (ET):

Date: January 11, 2011 Time: J 9:30 PM

Date: January 12, 2011 Time: 3 9:00 PM 3 10:50 PM

Date: January 33, 2011 Time: G 9:00 PM E 10:00 PM

Dece: January 18, 2011 Time: C 9:00 PM D 10:00 PM

If your address has recently changed, please provide us with the updated information here.

Name:	
Phone:	
Address;	ęon.

To upt out of any future faxes, call 1-888-PHER-121 (1-888-755-7321) or fax us at 1-806-929-8290.

City, State and Zip:

Bystolic (). (nebivoid) tablets

Important Safety Information

Pations back tested with HYSPOLIC should be advised against about diseasely mission of liverapy. Some executation of sugins and the commence of superactive function and ventricular underlying as been reported following the about counting of the special and the special and the patient currently manufactures are the superactive functions. When deconfiguration is playing, the design should be reduced gradually over a 2- to 2-week period and the patient currently manifested.

BYSTOLIC is coordinated to severe brodycusto, heart block greater than the digree, and open shock, decembers and the factor factor failure, elections syndrome (unless a pendatent percentiver is in place). Severe bryate implanted (Child-Ingh PB), and in policies who are hypersonally to to any compacted of this product.

BYSIGI IC should be used with eard with periphetal spender disease, thyrobecteds, in patients rested concomitantly with heldblockers and calcium changed blockers of the recommunication of day degree of beyond impriment are in patients undergoing and or surgery. In guiltone with have compacted day degree of the patients where, BYSIGLIC and the admissioned entire with the considered calcium in filter werens, discussion of BYSIGLIC about the admissioned entire with the patients as both blockers only in the confidence of the monifestations of hypoglycenia, particularly landy order.

When BYSTOLIC is administered with CFFIDs indivitors such as disposed in, significant increases in decisional may be observed (i.e., on Beldinases in AFC).

In general, patients with broachosposes e discess should not receive bets blooding.

BYSTOLIC should not be combined with other but blackers.

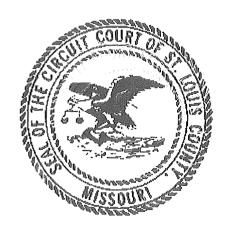
The past common odverse eventy with NYSTOLIC versus placetto (approximately \$1.46 and greater than placetan) were headache. (atigue, dizzlacas, dianthea, assuce, incoranta, chea pala, basedy exedix, dyman, radi, and propheral edema.

Please one wave By STULLI' com for that Prescribing Information.

EXHIBIT 40

Case: 4:12-cv-02224-JCH Doc. #: 1-2 Filed: 11/30/12 Page: 65 of 65 PageID #: 72

I certify and attest that the above is a true copy of the original record of the Court in case number  $\frac{125L-CC03792}{}$  as it appears on file in my office.



Issued

JOAN M. GILMER, Circuit Clerk St. Louis County Circuit Court

By

Deputy Clerk